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December 13, 2011

**Via ECF**

United States Magistrate Judge  
United States District Court  
100 Federal Court  
Central Islip, New York 11722

Re: *Martire v. The County of Nassau et al.*  
Case: 09-CV-4426 (JFB)(ARL)

Dear Judge Bianco:

This office represents the Defendants in the above referenced matter. We write at this time pursuant to the Court's directive dated November 2, 2011 (*DE 25*) to advise the Court of the status of Officer Raymond. I have been informed by Officer Raymond that he is still undergoing treatment and further testing for a cardiac condition. He has an appointment with the police surgeon on Thursday, December 15, 2011 but at this time has not been cleared to return to active duty.

In addition, I have been advised by Sgt. Ianucci that his fourteen (14) month old son suffers from a serious medical condition necessitating surgery out of state. Sgt. Ianucci has informed me that the surgery is currently scheduled for January 18, 2012. Thereafter, he and his wife will be staying at Ronald McDonald House for at least two months while his son recovers and receives follow-up care and testing.

As both Police Officer Raymond and Sgt. Ianucci are necessary parties to this litigation we respectfully requested that the trial be held in abeyance until such time as they are both available to testify.

Respectfully submitted,

\_\_\_\_\_/dcp/\_\_\_\_\_  
Diane C. Petillo

cc: Law Offices of Frederick K. Brewington, Via ECF